

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TIMOTHY DAHMEN, a married man,

Plaintiff,

v.

LIBERTY MUTUAL GROUP, INC., a

Massachusetts corporation; LIBERTY

MUTUAL INSURANCE COMPANY, a

Massachusetts corporation and wholly

owned subsidiary of Liberty Mutual

Group; LIBERTY LIFE ASSURANCE

COMPANY OF BOSTON, a

Massachusetts corporation and wholly

owned subsidiary of Liberty Mutual

Group; LIBERTY MUTUAL SHORT

TERM DISABILITY PLAN, a disability

plan under ERISA statutes; and LIBERTY

MUTUAL LONG TERM DISABILITY

PLAN, a disability plan under federal

ERISA statutes,

Defendants.

No. 2:15-cv-00076-SAB

ORDER GRANTING STAY

1 Before the Court is the parties' Stipulated Motion for an Extension of Time,
2 ECF No. 121; a related motion to expedite, ECF No. 120; a Stipulated Motion to
3 Stay Action Pending Administrative Review, ECF No. 123; and a related motion
4 to expedite, ECF No. 122.

5 The parties request a stay of this action to allow for the administrative
6 review of Plaintiff's newly-filed long-term disability claims. Because the parties
7 have stipulated to a stay, and because a stay will conserve the resources of both the
8 parties and the Court, and possibly allow for the amicable settlement of the case,
9 the Court **grants** the motion to stay.

10 Given that the parties are processing Plaintiff's long-term disability claim
11 under an administrative review, and that discovery on the conflicts of interest issue
12 needs to take place to properly review these claims, the Court **grants** the parties'
13 request to extend discovery. No parties' right to discovery shall be prejudiced by
14 this order.

15 Accordingly, **IT IS HEREBY ORDERED:**

16 1. The parties' Stipulated Motion for an Extension of Time, ECF No. 121, is
17 **GRANTED.**

18 2. The parties' Stipulated Motion to Expedite, ECF No. 120, is **GRANTED.**

19 3. The parties' Stipulated Motion to Stay Action Pending Administrative
20 Review, ECF No. 123, is **GRANTED.**

21 4. The parties' second Stipulated Motion to Expedite, ECF No. 122, is
22 **GRANTED.**

23 5. This action is **STAYED** until either Plaintiff or Defendants notify the
24 Court that the stay should be lifted following the filing and exhaustion of the long-
25 term disability claim, or following a stipulated dismissal. The current bench trial
26 date of January 27, 2017, is **VACATED**.

27 6. The terms establishing by the parties, set forth at ECF No. 23 at 2-3, shall
28 govern the stay.

ORDER GRANTING STAY ^ 2

1 7. All pending discovery requests and discovery deadlines are **STAYED**.

2 8. Given that this case is now stayed, and that the parties' pending motions
3 for summary judgment involve inconsistent standards of law that may not reflect
4 the Court's prior orders, the Court believes that these motions should be struck
5 and re-filed at a later date. Thus the parties' motions for summary judgment, ECF
6 Nos. 80, 101, 105, and 110, are **STRUCK** without prejudice. If, upon notice from
7 the parties, the stay is lifted from this case, the parties may re-file and re-note these
8 motions, in their current form or edited, without any prejudice to deadlines, or the
9 issues or arguments therein.

10 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
11 file this Order and provide copies to counsel.

12 **DATED** this 15th day of December, 2016.



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16 Stanley A. Bastian

17 Stanley A. Bastian
18 United States District Judge
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